

REMARKS / ARGUMENTS

The claims are 1-11, 14-26 and 28-29. Claim 1 has been amended to better define the invention and to incorporate the subject matter of claim 13 including claim 12 of which claim 13 depends. Accordingly, claims 12 and 13 have been canceled. In addition, claim 17 has been amended to incorporate the subject matter of claim 27. Accordingly, claim 27 has been canceled and claim 28 has been amended to depend on claim 17 as amended. All claims have also been amended to delete reference numerals. Reconsideration is expressly requested.

Claims 8 and 23 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite as omitting essential structural cooperative relationships of elements. Specifically, the Examiner requested clarification as to how the rails can attach to the fork carrier frame if they extend only half of the length of the supporting beams.

In response, Applicant has amended claim 1, *inter alia*, to specify that the fork carrier frame has two supporting beams and respectfully traverses the Examiner's rejection for the following reasons.

Claims 8 and 23 depend respectively on claims 1 and 17 as amended. It is respectfully submitted that claims 1 and 17 as amended, clearly specify that the fork carrier frame includes the two supporting beams. In other words, the supporting beams are part of the frame and the rails can attach to the fork carrier frame, for example, at the supporting beams on which the rails overlap and still have only half the length of the supporting beams as recited in claims 8 and 23 as amended. See the discussion in the paragraph bridging pages 20-21 of Applicant's disclosure as to how the overlapping rails are secured to the supporting beams (which are part of the fork carrier frame). That the fork carrier frame includes the supporting beams is set forth, for example, in the last three lines on page 19 of Applicant's disclosure.

Accordingly, it is respectfully submitted that claims 8 and 23 as amended are sufficiently definite and Applicant respectfully requests that the rejection under 35 U.S.C. 112, second paragraph, be withdrawn.

Claims 1-3, 6, 7, 9-11, 14-19, 22, 24-26 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over what

the Examiner called Applicant-admitted prior art (AAPA) in view of *Melin U.S. Patent No. 3,561,628* and *Werner et al. DD 270697*. Claims 1, 4-7, 9, 10, 14-17, 20-22, 24, 25 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant-admitted prior art in view of *Melin* and *Fleischer DE 28 52 835*.

The Examiner also indicated, however, that claims 13, 27 and 28 contain allowable subject matter and would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, without conceding the propriety of the Examiner's rejections and in order to expedite prosecution of this case, Applicant has amended claim 1 to incorporate the subject matter of claim 13 (including claim 12 on which claim 13 depends), has amended claim 17 to incorporate the subject matter of claim 27, has amended claim 28 to depend on claim 17 as amended, has canceled claims 13 and 27. Accordingly, it is respectfully submitted that all claims are now in condition for allowance.

In summary, claims 1-11, 14-26 and 28-29 have been amended and claims 12-13 and 27 have been canceled. In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Respectfully submitted,

Hans-Peter Borrmann



Frederick J. Dorchak, Reg. No. 29,298
Attorneys for Applicant

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802
FJD:djp

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 30, 2009.



Amy Klein